

1954

April 5

Opinion

Mrs. Edna Annis Ellwell, Secretary
New Hampshire Teachers Retirement System
State House Annex

Dear Mrs. Ellwell:

You have inquired by your letter of April 2, 1954 whether a person who was a teacher on the date of establishment of the Teachers' Retirement System, and who properly filed notice of his election not to be included in the membership of the system, and who thereafter terminated his teaching service must become a member of the system upon resumption of teaching service in New Hampshire. The answer to your question is yes.

R. S. c. 196-B, s. 3, subsection I, as inserted by Laws 1950, c. 6, provides that any person who becomes a teacher after the date of the establishment of the system shall become a member as a condition of employment. It is now employment when the teacher re-enters teaching service and as a condition of this employment he must join the system. His participation would be effective so long as he remained a teacher, but once having stopped being a teacher his re-employment as a teacher requires his participation in the system.

Very truly yours,

Richard G. Duncan
Assistant Attorney General

RDG:TH

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